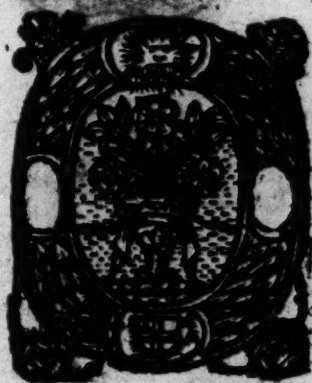


as The Araignment,  
Examination, Conteffion and  
Iudgement of *Arnold*  
*Cosbye*: K

VVHO WILFVLLY  
Murdered the Lord *Burke*, neere  
the Towne of *Wanswoorth*, on the 14. day  
of this present Month of *January*.  
and was executed the 27. of the  
same moneth.

1591.



AT LONDON  
Printed for *Edward White*, and are  
to be folde at the little North doore of  
*Saint Pauls Church*, at the Signe  
of the *Ganne*.

# as The Assignment

Examination Commission and

Judgement of a Jury

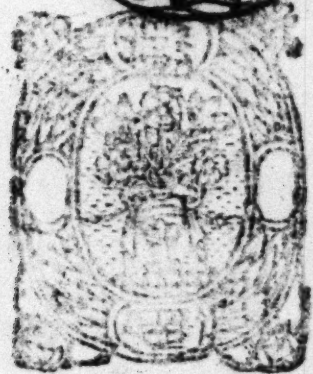
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WHO WILL

Murdered the Lord Buke, were

the Town of London, on the 14th day

of the 14th day of the 14th day



AT LONDON

Printed for Edward White, and are

to be sold at the little North door of

Saint Pauls Church, at the Signe

of the Cannon

**The Araignment, Examinatio,  
confession & iudgement, of Arnold**

**Cosbye**, who wilfullye murdered the Lord  
**Burke**, neere the Towne of **Wansworth**, on  
the 14. day of this present month of  
January, 1591.

**V**pon the 29. day of January  
last past, 1591, **Arnold Cos-**  
bye commonlye called and  
knowne by the name of  
Captaine Cosbye, an Irish  
man borne, being before  
committed to the gaol for  
the murdering of the Lord  
**Burke**, apparelled in a yellowe fustian dub-  
let, and at some night go downe cast out with his  
handes bounde, was brought from thence  
alongst the Citye of London, and London being  
into the borough of Southwark, within the  
Countie of Surrey, where the knight was  
shals men were ready to receive him, and con-  
ducted him to the Swiltons house, in St. Mar-  
gets hill, whereupon he was immediately put  
into the docket, and had a great paine of  
holers put upon his feete, his handes being  
and his clothes maner of 1591, as shere  
303 A. 11. came



## The cruell murdering

came toether the right honourable the Lord Chamberlayne, the Earle of Wormewood, Sir George Carew Knight Marshall of England, with Maister Popham the Queens Attourney generall, and other of her Maiesties Iudices for Middlesex and Surrey: who being orderly placed, proclamation was made for the people to be silent, after that a substantiall quest of enquire was calde and impannelled, who hauing their charge giuen them by her maiesties Attourney generall to enquire if any bodfull numbers, rowts or riots sh. were lately committed in the verdge of the Queens Maiesties housholde: by vertue of which enquire, they found this matter of bodfull murder.

That day, the prisoner was commaunded to hold by his head at the barre, and then the Clarke of the peace read the bill of indictment with a lowde voice, which contained in effect that the saide Arnold Cosbye contrary to the peace of our Soueraigne Lady the Queen upon the 14. day of January last past, not hauing the feare of God before his eyes, did felonably set upon John Lord Burke in the Town of Wanworth in a close: and there upon a deuillish and most malicious intent did wilfully murder him there & there giuing him one mortal and deadly wound with a rapier, contrary to the lawe, and to the statutes in that behalf made, and to the statutes in that behalf made, by means of which grievous and deadly wound,

317  
115 the



of the Lord Burke. II

the said Lord Burke fell downe, and after that  
the saide Arnold Cosbye with a Dagger pricke  
two shillings gaue vnto the said Iohn Lord  
Burke xxi. greuous & leuerall wounds moze  
of which said great and deep wound; the afore-  
said Lord Burke died within two houres after.  
Wherupon the prisoner being demaunded if he  
were guiltie of the murder for which hee was  
accused; he answered & pleaded to the same not  
guiltie, and for triall put h. miselle to God and  
the Cuntry; wherupon there was a sufficient  
Iurye chosen for his triall, before whom the  
Prisoner stood to heare what might be alledged  
against him, for proufe of the fact which before  
he had denyed. Then the Court did commaund  
proclamation to be made for all such to come in  
& make their appearaunce, as could say any thing  
against the prisoner concerning the fact; other-  
wise he stood vpon his discharge; wherupon  
the Quenes Attourney generall first spake  
and openly commaunded to be read, the con-  
fession & examination of the saide Arnold Cos-  
bye taken the 16. of Januarie before master  
Villiam Fleetwood Sargiant at Lawe,  
and Recorder of the Citie of London, which  
saide examination contained; that about a  
twelve moneth before the said Lord Burke and  
the prisoner, fell out and fought together at  
Grenewich, and that afterward they were  
made frends; neuerthelesse it appeared there-  
by

## The cruell murdering

By that Cosbye gaue vnto the said Lord Burke sundry very base tearmes & vniuersally words with other such great abuses, as no noble Gentleman would haue put vp at the handes of someane a man as Arnold Cosbye was, and the same alway iustified by the partie, who from time to time did discover them to my Lord, who in the prisoner in his examination aforesaid charged to doe it of malice: and in conclusion euen in the scope and course of his saide examination, it euidently appeared that he had before wilfully pretended the murder of the saide Lord Burke, and in most shamefull sort effected it as aforesaid: as Maister Atturney generall did learnedly lay it open. And in the saide confession, the said Cosbye declared, that the Lord Burke and he rode together from the Court, where the said examine desired him to crosse the river vpon the common way to London, to the ende (as he saide) if it were his chaunce to endanger him, he might the more easily escape by means of his friends, which my L. refused.

After that there was a letter openly written and read, sent from Cosbye the night before the Lord Burke died, containing very vniuersally tearmes, as vniuersally for someane a man to send to so noble a personage, in which he did threaten a sharpe reuenge to the saide Lord and called him therein by the base name of Burke, to



of the Lord Burke.

that by the saide letter it appeared that he pretended a sharpe revenge vpon the Lord Burke, and then his owne confession aforesaid: proved that the next day following he committed full murder vpon him. Nevertheless for further proof, witnesses were called in to declare what they could say touching the same, whereup on one Maister Powell of Mansworth shewed, that being moued by the Lord Burke, sent man to make search for the saide Lord, by reason he was ridden forth with Captaine Cosbye to fight: spared neither hedge nor ditch, buttill he came to the place where the Lord Burke laye sore wounded ready to giue vp the Ghost, finding with him at his coming a woman that did comfort him so much as she might, by casting her fraze safegarde on him, and had laboured to stop the woundes with clothes, such as she might conveniently come by. M. Powell saith as he came to the Lord Burke, seeing in what grievous estate he stood, ready to quicke and quire with the blood which cooled and bled inwardly in his bodye: he first threw his cloke vpon the Lord Burke, and then demaunded of him how he came to soe hurt. Whereupon such in the very agony of death, having supped by two or three dishes of new milke, answered he, Cosbye hath villanously wounded me to death, & neuer striking blow nor giuing thrust, buttill I was  
stopping

## The cruell murdering

Reaping to unbuckle one of my spurs, hauing  
unbuckled þ other before through his perswa-  
sion, saying they would be some trouble vnto  
me, he most cowardly thrust me in at the top of  
the shoulder, which ran farre into the body, yet  
if I had stricken but two blowes with him, it  
would neuer haue greued me, had he the man-  
full ye slain me in fight. Whereupon the said  
Powell demaunded if his Lordship could go o-  
ride, but seeing hee could doe neither, hee was  
constrained to put him into a cart, laying fode-  
der vnder him, which one had before brought  
into the fælde for Cartell, and so conueyed him  
to his house, in which his honordped, whose  
house was at Wansworth: Maister Powell  
hauing made an ende of his speche, Cosbie's  
Sword was shewed openly before þ Lords  
and Iustices, which was all to be lined  
with the blood of the Lord Burke, at the least  
sixtente inches deepe. And the same Maister  
Powell being demaunded how many wounds  
he told on the body of the Lord Burke (he being  
before sworn to what he should speak) answ-  
red, that he tolde one and twentye woundes a-  
bout the fore parte of the bodye of the murther-  
ed Lord after hee was dead, but the Lord  
Chamberlayne affirmed there was foure and  
twentye at the least, beside the great wound  
of which he died.

Many



of the Lord boorke.

many of which smaller woundes were in his handes, some in his armes, some in the face, breast & sides, the rest in his thighs and legs, and some so low as to his ankles. which extreme crueltie shewed a most bloudie mind in the man, and that he neither respected the commandemēt of God, who forbiddeth murder, neither did he regard the displeasure of the queenes most excellent maiestie, by whom he had his maintenance. neither did he respect the towardlinesse of the said Lordz Boorke, nor his owne credit in the Court, where hee was well beloued, but in all cowardize and rigor as appeareth, executed his bloudthirstie and cruell minde as is aforesaid, all which the said Col by seemed to deny, and to colour his shamefull and vnnaturall act, he woulde haue perswaded the Lordes & Iudices there, that he meant no quarrell nor hurt to the L. Boorke, but said that he perswaded the Lord Boorke being in the fielde to breake the point of his sword, and then to retorne againe to the Court, & there to acknowledge that they had fought, that the Lord Boorke had offended the said Arnold Col by, and that the Lord Boorkes life lay in Colbies handes at what time they fought, this should the Lord Boork haue done, as the said Colbie affirmed, and why? Forsooth, because Colbie (as he said at the barre) stode vpon his reputation, and

### The cruell murther

yet it is doubtfull, whether he euer made any Lord Boorke that offer or not, no man testifying it but him selfe. And if he had offered it yet it had bene a matter of great disgrace vnto the said Lord to haue perfourmed it: or to any other of his degree to haue stouped so lowe to so meane a man, being in his highest degree and estate, but a captaine by her maiesties commission, preferred to that place by those that were of honourable estimation, and doubtlesse such was the courage of that noble man, that before he woulde haue done him selfe, so great a dishonour he would first manifestly haue died in the field at Colbies secte, neither is it to bee supposed that the Lord Boorke did offer that disgrace as Col by alleged at the barre, which was that he pulled him by the nose the night before they fought, whereas none can come in and iustly make report thereof, but Colbie him selfe, yea it is a matter manifest and plaine that the Lord Boorke was a man of courage, that he bore an vndaunted mind, that he was valiant and a hardy man at armes, he was courteous, milde, and liberall, and had bene sufficiently tried, with better men than euer Colbye durste to encounter with hand to hand: and therefore as the Lordes said vnto Colbie, so it seemed to fall out, that it was onely the cowardize of Colbie and not his courage.



of the Lord Boorke.

courage that caused him so cruelly to murder so towardsly and courteous a Lorde. Whereupon after that Captaine Moston had deliuered to the Lords & Iustices there assembled, the trueth of all that had passed betweene the Lord Boorke and the said Cosby iustifying that the Lorde Boorke neuer gaue him any iust occasion of malice or inwarde grudge : and therewithall hauing besides shewed sundrie pointes of cowardise in the said Cosbie, as well towarde the said Moston as also towards diuerse others, iustified by the honourable on the bench, the Iurie went together and stayed a wape some short space : in which time the right honourable Lorde Chamberlaine vttered vnto the prisoner a speeche of great effect and deepe consideration : which was in maner and effect as foloweth.

B 2

The



The speech of the right Honorable the  
Lord Chamberlaine.



Osbie, giue eare  
what I saie vn-  
to thee, and re-  
gard my speech,  
looke into thy  
selfe, and behold  
the iust iudge-  
mentes of God  
vppon thee in  
this action, first  
it is most eui-

Dent, that thou hauing in a most shamefull  
sort murdered y noble Gentleman, for whose  
death thou art here araigned, thou thoughtest  
to saue thy self by flight: & hauing of thy owne  
as good a hunting nag as anie is within this  
Towne, thou diddest suspect that he woulde  
hardly serue thy turne, and therfore thou did-  
dest refuse him. Then thou tookest the Lorde  
Boorkes gelding, and supposing to ride away  
vpon him, hee sodainely broke from thee, and  
would at no hande bee taken by thee, to carrie  
thee from the place where thou didst commit  
the murther. Secondly, note how thy owne  
nag



of the Lord Boorke.

mag serued thee, that when thou wert bypon him, thou couldest hardly get him to carrie thee to the wood where thou diddest hide thy selfe. When thou camest into the wood neere Wimbleton, there thou staiedst most parte of all the daie, there thou hadst time, space, and sufficient meanes to haue fled farre inough, and to haue staide there long inough, yet thou hadst not the power to doe it, there thou lingeredst all the daie long, and durst neither passe one waie or other, the fact being committed about e. ght of 5 clock in the morning, thou hadst no power to depart before euening, and then note the iudgements of God vpon thee, whether didst thou flie? Thou hadst no power to passe an'e waie, but euen to the place where the man laie whom thou muttheredst, and coming on the backe side of the house, thou sawest my son, but he sawe not thee, and then to hide thy self, thou fledst behind 5 house wher the dead corpes laie, at which time all the woundes in the Lord Boorkes bodie did bleede afresh, and the better to shadowe thee from the iust iudgementes of God, who compelled thee to come againe to that place wher thou committedst the murther, thou didst demand of a boie which was the waie to London, as though thou knewest not the way to London, being an ordinarie man & fauored in the court, but this was Gods doing to shewe his  
his

### The cruell murther

his wondrous workes vpon thee, and a token that God would not suffer thee to flie, nor thy fact to go vnpunished: yea the very beasts did shunne, & seemed vnwilling to carrie thee from the place where thou committedst the murther, thy best friends fled from thee when thou hadst done it, and for dooing it, they dyd abhorre thee. Thou knowest that thou wast well beloued in the Court, as well of noble men as other, but this thy foule and odious fact, maketh euery one of them to despise thee. Well, now call vpon God and bee sozie for thy offences, for it is some notable and grieuous offence which thou hast in tyme past committed against God, that causeth the iust iudgements of God to followe thee euen at thy heeles, and hath neuer lefte thee till thou camest to this place.

This speech ended, the Jewrie came to giue vp their verdit, whereupon the prisoner was set forth to heare the same, but when hee sawe that hee was iustly condemned in the case of wilfull murther, hee saide nothing, nor neuer changed countenance therat, neuertheles before iudgment was pronounced against him, he fearing least he should haue some grieuous death for his horrible offence, he humbly craved the fauour of the Court, that rather than he should be hanged, he desired to be shotte to death with bullets, but the right worshipfull  
He



of the Lord Boorke.

Sir George Carey, knight marshall of England, tolde him that the law would not allow it, but of necessitie & fact being odious, it must be punished according to the lawes of the land. Then hee made another motion, & desired the honorable and worshipful of the bench, that he might not bee executed that present daie, but that he might haue that daies respite, and a Preacher appointed to comfort him to Godward, seeing hee was now no man of this world: which they all granted because it was a Christian motion. Thereupon master Atturney proceeded to iudgement, and first shewed him the odiousnes of the fact & murder committed, the shortnes of his life, & that now he was to looke for nothing but death, and therefore willed him to comfort himself with hope of the ioyes in the life to come, willing him to aske God mercy, for (saith he) God hath promised that no sinne shall be unpardonable with him, but onely the sinne against the holy Ghost, which he hath sayd shall neuer bee forgiven. And therefore trust in the mercies of God, for in him now onely resteth your comfort. Wherefore according to the lawe, the court doth award you to goe from this place vnto the Marshalsey, & from thence to be conuaid to Mansworth, to some conuenient place nere about where the fact was committed, & there to be hanged till you be dead, and so the Lord haue

The cruell murther  
haue mercie vpon your soule, and afterward  
to be hanged in chaines, for example sake to  
al other that shal attempt to do the like. Then  
the right honorable the Lorde Chamberlaine  
did in fauour of his first motion grant him his  
life vntil the wednesday morning following,  
so that he had one day granted more vnto him  
then he desired. Wherebpon the Court brake  
vp and departed, and the prisoner accor-  
dingly was committed to the  
Marshalsey.

FINIS.

2 AP 56

LONDON

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1591.



